

REMARKS

Status of Claims

The non-final Office Action mailed October 23, 2009, has been reviewed and the comments therein have been carefully considered. Claims 1, 4, 6, 8, 11, 13, 15, 18-22 and 24 have been amended. No new matter has been added. Claim 29 has been cancelled without prejudice or disclaimer. Claims 1, 4-8, 11-15 and 18-24 are pending in the application.

Claim Rejections Under 35 U.S.C. §103

Claims 1, 4-8, 11-15, 18-24 and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hassell *et al.* (US 2004/0128685 A1, "Hassell") in view of Shintani (5,668,591, "Shintani") and Lee *et al.* (5,937,163, "Lee"). This rejection is respectfully traversed.

Amended independent claim 1 recites, *inter alia*,

receiving, by a content rendering system, a command to record a program;
determining whether a second storage device is available, wherein the
second storage device is separate from the content rendering system;
in response to determining that the second storage device is unavailable,
automatically recording the program to a first storage device;

Contrary to the assertions made by the Office Action, none of the cited references teach or suggest such features. The Office Action, in its Response to Arguments beginning at page 2, asserts that digital storage device 31 constitutes the first storage device of claim 1 and secondary storage device 32 is the second storage device recited in claim 1. Even assuming, without conceding, that such an analogy is valid, there is no teaching or suggestion of checking secondary storage device 32 for availability to record a program before automatically recording to a first storage device. The Office Action further asserts at p. 3 that Hassell's description of automatically checking the storage capabilities of the currently loaded digital storage medium corresponds to a description that the removable storage is checked first. Applicant respectfully disagrees as such an interpretation is not supported by the cited passage or any other passage of Hassell. Particularly, the mere fact that Hassell will check an available storage capacity of a digital storage medium to make sure there is sufficient space does not describe checking a removable storage first. *See, e.g.*, para. [0043], [0047], [0051]. Indeed, read in context with

preceding para. [0042], Hassell's reference to digital storage medium in para. [0043] relates to digital storage device 49, not secondary storage device 47.

Even assuming, without conceding, that Hassell describes checking a capability of the secondary storage device first, Hassell still lacks a description of what happens when the removable digital storage medium does not have sufficient capacity. The Office Action asserts at p. 3 that Hassell's system automatically locates available space on which to store a selection. Nonetheless, automatically locating available space does not constitute automatically storing a program to a first storage device when the second storage device is not available. In fact, Hassell's description at paras. [0051]-[0053] appears to indicate that storage device 49 is automatically searched first for space. Accordingly, claim 1 is allowable for at least these reasons.

Claims 8 and 15 recite features similar to those discussed above with respect to claim 1 and are thus allowable for at least the same reasons as claim 1.

Claims 4-7, 11-14 and 18-24 are dependent claims and are thus allowable for at least the same reasons as their respective base claims and further in view of the novel and non-obvious features recited therein.

Conclusion

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

Date: January 25, 2010

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